

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of:

Telephone Number Portability

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CC Docket No. 95-116  
RM 8535

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Reply Comments of the United States Telephone Association

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# TABLE OF CONTENTS

SUMMARY .....	i
INTRODUCTION .....	1
I.    The Reply Comments Evidence That Development of An Effective Long-Term Number Portability Solution Requires Cooperation From Both Regulators and Service Providers .....	2
A.    Both Federal and State Regulatory Commissions Have Important Roles In Developing an Efficient and Effective Long-Term Number Portability Solution .....	2
1.    The Federal Communications Commission should take a leadership role in establishing uniform performance characteristics for the long-term number portability solution. ....	3
2.    Competitive provision of local residential and business telephone service is primarily a state issue; therefore state regulators should govern the introduction of enhancements to competition such as number portability .....	4
II.   In Order to Develop Effective Competition, Service Providers Must Cooperate In Developing a Long-Term Local Number Portability Solution .....	5
A.    An Existing Industry Group Should Be Tasked To Identify the Requirements For a Long-Term Solution And To Do So In A Reasonable Time Period .....	5
B.    Premature and/or Mandatory Provision of Local Number Portability by Incumbent LECs will Disserve Consumers and Retard the Growth of Competition .....	6
III.  All Parties Must Acknowledge the Full Reality of Local Number Portability and Its Consequences for Consumers and For Network Operations .....	7
A.    The Performance Characteristics Adopted by the Commission Should Recognize Certain Principles Regarding the Network and Its Associated Support Systems, Numbering Resources, and Cost Recovery .....	8
C.    Cost Recovery for Local Number Portability Should Be Competitively Neutral and Not Subsidized by Consumers Who Obtain No Benefit from its Implementation .....	10
D.    The Record Does Not Reflect That There is Any Significant Need for Immediate Service Provider Portability for Wireless Services or For Services Using Non-Geographic Numbers .....	12
CONCLUSION .....	13

## **SUMMARY**

The initial comments in this proceeding evidence widespread agreement on the key issues regarding local number portability. All parties concur that service provider portability will enhance competition, and that the process to develop the technical interoperability requirements for such service provider portability should begin. The record evidences as well that development of an effective long-term number portability solution requires cooperation from both regulators and service providers. Both federal and state regulatory commissions have important roles in developing an efficient and effective long-term number portability solution.

Specifically, decision of when and where local number portability must be deployed is one that must be made by state regulatory commissions in conjunction with their analysis and regulation of competition in the local exchange market, and pursuant to their authority over local residential and business telephone service. Additionally, many commenters recognize that the Federal Communications Commission should take a leadership role in establishing uniform performance characteristics for the long-term number portability solution. The Commission should not actually select and mandate a technical solution - rather, the Commission should adopt a uniform set of performance characteristics for local number portability, and direct industry fora to develop the required functionalities and interoperability requirements for eventual adoption by the Commission.

The industry group tasked to recommend to the Commission the technical characteristics and interoperability requirements should be the Industry Carriers Compatibility Forum (ICCF). The Industry Numbering Committee (INC), a subset of ICCF, has already completed a good deal of work on these issues. Of course, in order for industry fora to accomplish this task, the Commission must formally assign the task to ICCF, provide official guidance as to the principles to be followed and minimum standards for a long-term solution, and establish a reasonable date certain for when the task must be completed. Wireless providers should take an active role in this process.

A number of commenters suggest that the Commission should mandate deployment of service provider portability immediately or mandate deployment of a “interim” interim or “medium term” solution, based solely on the information available on the present record. This course of action, hastily adopting a plan which may be unworkable in the long term, would not be helpful. If the costs of implementation are excessive, the effect could be to stifle competition by increasing the costs to all purchasers of service. Many of these “medium term” solutions require switch development, would cause stranded investment, could deplete numbering resources, and would interfere with the provision of existing services. Rather, all parties must acknowledge the full reality of local number portability and its consequences for consumers and for network operations.

The reality of local number portability requires that the Commission adopt certain mandatory performance characteristics for an appropriate long-term local number portability

solution. Commenters recognize that these characteristics should take into consideration the operations of the existing network and associated support systems, numbering resources and cost recovery mechanisms. For example, the MCI CPC solution would reduce the pool of available NPA resources needed for assignment as network addresses in the future, and should be dismissed as an option. An additional matter of concern is the importance of support systems and interoperability as essential aspects of any long term LNP proposal, including the ability for service support systems to follow a customer when that customer changes carriers.

Additionally, while the Commission specifically requested comment on the costs of local number portability, very little cost estimates were submitted on the record. The Commission needs to gather further dependable information with respect to costs, and with respect to the extent of customers' willingness to pay for local number portability. As a general matter, USTA agrees with those commenters who suggest that the costs of local number portability should be borne by all service providers, and that new entrants should not be competitively disadvantaged by the implementation of local number portability. At the same time, local number portability does not benefit customers in areas in which it is not available. Accordingly, the costs of local number portability should not be imposed on the general rate base of network users. Subscribers in areas where competition has not yet been introduced, particularly rural areas, should not subsidize local number portability.

The record does not reflect that there is any significant need for immediate deployment of service provider portability for wireless services or for services using non-geographic numbers. With respect to wireless services, it may at some point be in the public interest to implement portability, e.g. when wireline and wireless carriers effectively compete for local exchange customers in a given market. However, imposition of an interim solution on wireless carriers is unnecessary to foster competition, and could create excessive costs and stifle demand. With respect to non-geographic numbers, e.g. 500 and 900, the record does not demonstrate that the costs of immediate portability will outweigh the benefits. The costs and benefits for such portability should be considered separately from portability for geographic numbers.

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**Reply Comments of the United States Telephone Association**

The United States Telephone Association (USTA) submits these reply comments in response to the Notice of Proposed Rulemaking issued in the above-referenced proceeding.<sup>1</sup> USTA is the principal trade association of the local exchange carrier (LEC) industry. USTA represents over 1100 LECs, with a wide variety of company sizes within its membership.

**INTRODUCTION**

The initial comments in this proceeding evidence widespread agreement on the key issues regarding local number portability. Specifically, all parties concur that service provider portability will enhance competition, and that a process to develop a cost-effective, technically sound long-term solution for local number portability should begin. Additionally, most parties support a leadership role for the Federal Communications Commission in establishing policy guidelines and performance characteristics for such a long-term solution, while acknowledging the importance of the states in implementation. Most parties also acknowledge that the Commission should direct an industry group to determine expeditiously the required functionalities and interoperability requirements. Careful consideration of the impact of local number portability on existing network and support systems should be undertaken by all parties. Lastly, the record reflects an understanding that recovery of the costs of local number portability should be competitively neutral among service providers. Accordingly, the Commission should proceed to adopt an order consistent with these principles.

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<sup>1</sup>In the Matter of Telephone Number Portability, Notice of Proposed Rulemaking, CC Docket No. 95-116, FCC 95-284, (released July 13, 1995) ("**NPRM**").

I. The Reply Comments Evidence That Development of An Effective Long-Term Number Portability Solution Requires Cooperation From Both Regulators and Service Providers.

Many commenters begin, as we do, with the recognition that competition will be enhanced by local number portability, although local number portability is not an absolute prerequisite for local competition, or even the primary obstacle to local competition. See, e.g., Comments of LDDS at 3, Comments of MFS at 1, n.1. At the same time, the record reflects the fact that implementation of local number portability will be costly and involve a significant impact on the local exchange network. Accordingly, local number portability should be developed and implemented, but done so carefully and with input from a wide variety of parties.

A substantial number of commenters in this docket recognize that development and implementation of an effective long-term solution for local number portability requires that a number of tasks be accomplished by a number of parties, working cooperatively and in a spirit of empathy for the differing roles, abilities, and present situations of others. See, e.g. Comments of MFS, at 9 (industry should develop technical standards through cooperative processes); Comments of Time Warner at 23 (state regulators should have a significant role in the implementation of number portability). This cooperation within the industry and with government is one of the most salient characteristics of the way the United States telecommunications network has developed into one of the most sophisticated in the world. Additionally, such cooperation is necessary in order to assure an even and effective transition to a competitive marketplace, with consumers to be the ultimate beneficiaries.

A. Both Federal and State Regulatory Commissions Have Important Roles In Developing an Efficient and Effective Long-Term Number Portability Solution.

Commenters clearly recognize that there is a significant federal interest in promoting the nationwide availability of number portability, and that the FCC should develop national guidelines for number portability. See, e.g. Comments of Citizens Utilities Co, at 7; Comments of MCI at 7. Commenters also recognize that many of the crucial issues regarding the actual deployment of a local number portability solution are areas of unique concern to state regulators. The traditional

boundaries of interstate/intrastate issues should be respected here - particularly state authority over when and where to implement local competition and associated mechanisms such as number portability which enhance competition.

1. The Federal Communications Commission should take a leadership role in establishing uniform performance characteristics for the long-term number portability solution.

Virtually every commenter in this docket supported adoption of a national policy for local number portability; no commenter opposed it. See, e.g., Comments of NARUC at 6 (FCC should use various state initiatives to establish nationwide policy guidelines), Comments of the Public Utilities Commission of Ohio at 2, Comments of SBC at 18-19 (FCC should gather information and issue a broad policy regarding number portability requirements), Comments of Sprint at 8-10 (Commission should prescribe performance criteria and a date certain for implementation of a system that satisfies the performance criteria); Comments of PCIA at 8 (a uniform, national solution will enhance local exchange competition).

Similarly, most commenters opposed having the Commission actually select and mandate a technical solution at this time. Rather, specific architectures and other aspects of a long-term local number portability solution must be tested in the marketplace, See, e.g., Comments of Teleport Communications Group (TCG) at 10-1, and/or developed by an industry body, see, e.g., Comments of Ericsson Corporation at 2. Accordingly, the Commission should adopt a uniform set of performance characteristics for local number portability, and direct industry fora to develop the required functionalities and interoperability requirements for eventual adoption by the Commission and deployment by carriers pursuant to state regulatory decisions.

During this process, the Commission must realize that much of the information placed on the record to this point has related to matters of call processing and routing. Selection of a local number portability alternative based exclusively on these elements may not yield a workable solution. Some of the most significant areas of concern in any network service or capability relate

to administrative and support systems. The ability to collect data necessary for customer billing and settlement among carriers, and development of billing and settlement capabilities often require as much time and development as the basic network functionalities.

2. Competitive provision of local residential and business telephone service is primarily a state issue; therefore state regulators should govern the introduction of enhancements to competition such as number portability.

While supporting a broad federal role, commenters also recognize that many states are at an advanced level of implementing local exchange competition; at least 35 states have authorized facility-based local exchange competition, and are moving forward with local number portability activities. Accordingly, states should be allowed to implement service provider portability on a local basis, using the required functionalities and interoperability requirements adopted by the Commission. See, e.g., Comments of NARUC at 6; Joint Comments of AirTouch Paging and Arch Communications Group at 11-12.

Certain commenters suggested that the Commission should mandate the provision of local number portability, either as an absolute matter or in response to a bona fide request. See, e.g., Comments of Ad Hoc Coalition of Competitive Carriers (Ad Hoc) at 15, Comments of Time Warner Communications at 14-16. Such a federal mandate would unnecessarily interfere with state regulatory authority over when, where and how to introduce local competition. See, e.g., Comments of MCI at 6 (suggesting that the FCC encourage state commissions to make a decision on implementation of service provider portability within one year). Such a federal mandate would also be inappropriate at this time because the Commission should not pass up the opportunity to gather further information regarding local number portability solutions from state trials and industry bodies and, once a technical solution has been decided upon, prescribe principles for cost recovery. This process should be undertaken in cooperation with state regulatory decisions regarding local competition. These state proceedings will additionally provide an opportunity for greater consideration of the views of consumers. Cf. Comments of CTIA at 2.



II. In Order to Develop Effective Competition, Service Providers Must Cooperate In Developing a Long-Term Local Number Portability Solution.

In order to be successful, any plan for local number portability must be responsive to the needs of all entities that intend to participate. Cooperation among the participants is essential to such a plan. In addition to cooperation among state and federal authorities, cooperation among service providers is essential. For example, development of the technical characteristics, standards, and performance requirements for a long-term local number portability solution should be accomplished through a cooperative process within an industry group.

A. An Existing Industry Group Should Be Tasked To Identify the Requirements For a Long-Term Solution And To Do So In A Reasonable Time Period.

As noted above, many commenters concluded that an industry group should be tasked to develop performance characteristics and interoperability requirements to be recommended for adoption by the Commission. See, e.g., Comments of Sprint at 10-11, Comments of Ameritech at 5. Those commenters who instead favor an immediate Commission mandate to adopt a technical solution and to provide local number portability do so primarily because of the allegedly urgent need for local number portability services. See, e.g., Comments of Telecommunications Resellers Assoc. at 10-11. However, a number of other commenters noted that it would be inappropriate for the Commission to designate the technical requirements of a particular local number portability solution. See, e.g., Comments of Time Warner at 3-4. Additionally, as a number of commenters noted, local number portability is not an absolute prerequisite for competition, see, e.g., Comments of GVNW at 6-7, and interim solutions are available in any event. Comments of USTA at 2. Therefore, the FCC should not mandate any specific solution nor adopt any specific technical requirements until it receives a recommendation from an industry body.

While it might be attractive to suggest creation of an entirely new forum to accomplish the end result, USTA believes that existing industry fora would be capable of accomplishing this task. In order for these fora to accomplish this task, however, the Commission must formally assign the

task, provide guidance as to the principles to be followed, and establish a reasonable date certain when the task should be completed. USTA notes that it is important that wireless providers take an active role in this planning process.

Specifically, the task should be assigned to the Industry Carriers Compatibility Forum (ICCF). The Industry Numbering Committee (INC), a subset of ICCF, has already completed a good deal of the work on these issues. In addition, the ICCF could turn to other existing industry groups within the fora sponsored by the Alliance for Telecommunications Industry Solutions (ATIS). Of course, absent an official mandate, INC has understandably been reluctant to endorse a particular solution. See Comments of MCI at 10. However, USTA believes that if charged with the task, INC should be able to reach a valid conclusion within 12 months of receiving its assignment. A twelve-month period would also permit the Commission to evaluate the various state implementations and trials which are either planned or already underway.

B. Premature and/or Mandatory Provision of Local Number Portability by Incumbent LECs will Disserve Consumers and Retard the Growth of Competition.

It is clear that any local number portability scheme will add complexity, additional cost, will raise network reliability concerns and may affect the time required to process a call. The decision to pursue a local number portability solution is based on the assumption that local number portability will aid competition and that the resulting competitive local exchange marketplace will improve the services available and lower the prices paid by consumers for telecommunications services. But if the Commission acts hastily in fashioning the conditions for provision of local number portability, the desired end result could be frustrated.

Hasty adoption of a plan that would be unworkable in the long term would not be helpful; if the costs of implementation are excessive, the effect could be to increase significantly the costs to all purchasers of service. Cf. Comments of PCIA at 9-10 (adoption of an interim solution for wireless carriers would be wasteful of resources). Nonetheless, a number of commenters suggest precisely this result: adoption of an "interim" interim plan and/or service provided free or on a

highly discounted basis. See, e.g., Comments of General Communications (GCI) at 4-5, Comments of Jones Intercable at 5, Comments of Ad Hoc at 20. Many of these “interim” interim or “medium term” solutions also require switch development costs, would be unworkable in the long-term, would certainly cause stranded investment (with the costs inevitably passed on to consumers), could deplete numbering resources, and interfere with the provision of existing services. See Comments of MCI at 10-11 (recommending adoption of the MCI CPC approach, with later implementation of the AT&T LRN approach), but see Id. at 7-8 (technical model should have minimal impact on numbering resources); Comments of Time Warner at 17 (discussion of “medium term” solutions).

The Commission should not delay the development of a long-term plan by taking the industry down the side road of a “medium term” solution. Such a proposal would disserve the development of competition, and introduce unnecessary delay and excessive costs to the process of developing a long-term solution. Many “medium term” solutions would also disserve consumers by curtailing services for which there is demonstrated demand, and by requiring end users to bear unnecessary costs in the name of permitting short-term profits through cream-skimming by a few competitors. The unnecessary costs created by such medium term solutions would hinder development of robust long-term competition. In order for local number portability to enhance the long-term development of competition, it should proceed as efficiently as possible and permit competitors to accumulate market share from a variety of end users, to enter the market without the excessive cost burdens created by deployment of inefficient solutions, and to offer the services traditionally associated with full-featured phone service.

### III. All Parties Must Acknowledge the Full Reality of Local Number Portability and Its Consequences for Consumers and For Network Operations

The corollary of the principle that the Commission should not hastily adopt an inefficient solution is careful examination of the characteristics of an efficient long-term solution which should be adopted as mandatory guidelines to be followed by an industry body, preferably ICCF, in developing interfaces and parameters for long-term local number portability. The comments

received do provide significant guidance on some essential elements of number portability - both what a number portability solution should permit, and what problems it should not create.

A. The Performance Characteristics Adopted by the Commission Should Recognize Certain Principles Regarding the Network and Its Associated Support Systems, Numbering Resources, and Cost Recovery

The comments describe three general areas which should be considered in determining an appropriate long-term local number portability solution: the existing network and associated support systems, numbering resources, and cost recovery mechanisms. These general areas are of direct concern to incumbents and new entrants alike, each of whom must cooperatively share in the costs of the local number portability solution, and who will seek to utilize the numbering, billing, routing, and other resources which permit the offering of robust local telephone service. Within those areas, the record reveals that the following principles should be adopted now as part of the Commission's order outlining the mandatory performance characteristics of a long-term number portability solution.

1. The portability plan must not require, but could permit, consultation (database "dips") of originating intelligent network nodes in order to route calls. A requirement for originating dips would require that all originating network points be equipped with this capability before successful call routing could be accomplished. Such a plan would impose significant burdens on all carriers whether or not LNP had been mandated in their local operating areas. Such a plan would require extended time to implement and unnecessarily delay the availability of local number portability. Also, such a plan would interfere with state regulators' authority to determine when and over what area number portability must be made available, and would require screening of incoming calls from other countries before being processed. These conditions must be avoided, as was recognized by numerous commenters. See, e.g., Comments of MFS at 11, Comments of Cincinnati Bell at 8-9.

2. No local number portability structure should accelerate the consumption of numbering resources. See, e.g., Comments of NCTA at 10. Local number portability solutions that consume additional numbering resources, thereby precluding their assignment as network addresses in the future, cannot be accepted. For example, the MCI CPC solution would reduce the pool of available NPA resources. See Comments of BellSouth at 31-33. Accordingly, the MCI proposal should be dismissed as an option.
3. The plan selected must not be another interim step, but should be robust enough to survive as the long term national model for local number portability. There are a number of interim methods for provision of local number portability currently deployed. USTA and others have stated that these plans have significant utility in the short term in the provision of local number portability. In some cases, the providing entity has increased the functionality of these interim plans in order to extend their acceptability. See, e.g., Comments of Bell Atlantic at 4-5. Such efforts are to be commended, because by extending the useful service lives of these arrangements, they offer an opportunity to take the time necessary to develop a fully functional long term solution.

While various other plans might be introduced in specific areas for trials or as permanent plans as in Illinois, Seattle, and New York, the Commission should focus on development of a national plan. This process should not introduce any additional interim schemes. See, e.g., Comments of MCI at 10-11. Forced implementation of schemes that do not have the substance to survive as long term national plans will cause stranded investment and delay implementation of a workable long term plan. See Comments of Ad Hoc at 3 (Commission should focus on timely development of permanent number portability).

4. Development of a service provider portability solution should continuously take into account the ability of the solution to evolve to provision of location portability. Many commenters, including USTA, have noted that location portability is a desired attribute of a national plan. An optimum local number portability solution will permit efficient

migration to location portability, even though service provider portability is of most immediate concern for the development of competition. See, e.g., Comments of NYNEX at 2-3; Comments of Florida PSC at 4.

Therefore, selection of a plan should be characterized by a primary focus on service provider portability but include an assessment of compatibility with location portability.<sup>2</sup> Selection of a plan should also consider that the greater the scope of location portability that is required, the greater the complexity of its inclusion in the structure. For example, as location portability moves beyond the rate center, NPA, and state boundaries, the technical requirements increase and the regulatory/public policy issues become more complex.

5. The Commission should recognize the importance of support systems and interoperability as essential aspects of any long term LNP proposal. A matter of special concern is the ability for service support systems to “follow” a customer when changing carriers. When a customer is “handed off” to another service provider, support functionalities which permit routing and billing for the call must also transfer instantaneously. This will require development in order that the automated systems of all the involved carriers are interactive and compatible. Other commenting parties have recognized this necessity. See, e.g., Comments of MFS at 1, n.1.

C. Cost Recovery for Local Number Portability Should Be Competitively Neutral and Not Subsidized by Consumers Who Obtain No Benefit from its Implementation.

The Commission should make clear its intent to respond to the needs of the industry to assist in development of reasonable cost recovery methodologies before any plan is accepted. It is clear that any LNP plan will increase costs and increase the need to make additional investments

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<sup>2</sup>Similarly, the Commission should assess the ability of any solution to migrate to service portability, but should leave deployment of service portability until such time as there is sufficient market demand for that capability. See, e.g., Comments of TDS at 10, Comments of USTA at 9.

in the network - many such investments will serve no other business purpose for the investing entity. In an optimum solution, all parties must be satisfied that the final selection will constitute reasonable evaluation of cost/benefit relationships, and that the Commission will be prepared to fully address cost recovery issues for the option selected.

As a general matter, it should be noted that while the Commission specifically requested comment on the costs of local number portability, NPRM, para. 53, very little, if any, cost estimates were submitted on the record. What estimates were submitted were very general in nature. See Comments of GVNW, at 8 (total cost of switch upgrades could be from \$1 to \$4 billion, annually); Comments of ACTA at 10-11 (estimated price of LIDB lookups is \$0.0015); Comments of AT&T at 33-34 (estimating costs of LNP to be between \$1 and \$2 billion). The Commission needs to gather further dependable information with respect to costs, and with respect to the extent of customers' willingness to pay for local number portability before reaching any conclusions.

Several commenters suggest that the costs of local number portability should be borne by all service providers. See, e.g., Comments of Ad Hoc at 21; Comments of GCI at 5. Insofar as these commenters suggest that incumbent LECs should not foist the costs of local number portability on new entrants, they are correct. See, e.g., Comments of Omnipoint at 6. Commenters also correctly suggest that the costs of number portability should be borne by customers which economically benefit from its implementation. See, e.g., Comments of Assoc. for Local Telecom. Services (ALTS), at 20. At the same time, not all of those commenters appear to recognize that local number portability does not benefit customers in areas in which local number portability is not available. See, e.g., Comments of MFS at 13 (costs of a third-party operated database should be borne by all customers within the area served by that system). These statements are correct only to the extent that they agree that the costs of local number portability should not be imposed on the general rate base of network users - subscribers in areas where competition has not yet been introduced should not subsidize local number portability.

Many commenters also correctly acknowledged that, because the decision to require the availability of the long-term local number portability solution is one to be made by state regulators, states will also bear immediate responsibility for ensuring adequate, non-discriminatory cost recovery. See, e.g., Comments of ALTS at 19. The record confirms that, for this reason, a cost recovery plan should include steps to determine proper cost allocations between state and interstate jurisdictions.

D. The Record Does Not Reflect That There is Any Significant Need for Immediate Service Provider Portability for Wireless Services or For Services Using Non-Geographic Numbers.

The record reflects that virtually all commenters are concerned primarily with service provider portability for wireline local exchange services. The record does not reflect any immediate demand for portability for wireless services or services utilizing non-geographic numbers. Although wireless number portability may, in the long-term, be in the public interest, see Comments of Omnipoint at 6, the imposition of an interim solution on wireless carriers could create excessive costs and stifle demand. See Comments of PCIA at 9-10. Of course, to the extent that wireline and wireless providers compete for local exchange customers in any given market, there should be reciprocal participation in local number portability. Accordingly, wireless providers should be involved in the development of a long-term solution.

Similarly, the record does not demonstrate that the costs of immediate portability for services using non-geographic numbers, e.g. 500 and 900, will outweigh the benefits.<sup>3</sup> See, e.g., Comments of Sprint at 19-20, Comments of Scherers Comm. Group (SCG) at 3. This is not to say that portability for such services should not be implemented, merely that the costs and benefits of such portability should be considered separately from portability for geographic numbers, and considered at a later date. See, e.g., Comments of AT&T at 39-41, Comments of SBC at 24-25.

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<sup>3</sup>While MCI suggests that the costs of 900 portability may be small when compared to LECs' annual investment in switching systems, Comments of MCI at 32, this comparison proves nothing. The only issue is whether the costs of 900 portability are reasonable when compared to any benefit to consumers.



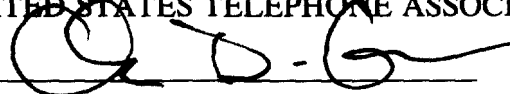
## CONCLUSION

The Commission should take a leadership role in developing a uniform national policy for local number portability, relying on an industry body to develop the technical characteristics and standards and on state regulators for timely implementation in appropriate areas. The Commission should not be misled into hastily mandating an inferior solution which could adversely impact operational support systems, numbering resources, and impose excessive costs which would deter competition. The Commission should gather further information to realistically assess the costs involved before adopting any technical performance requirements for local number portability. Consistent with these principles, the Commission should move forward to fulfill its role in the development of a long-term solution for local number portability.

Respectfully submitted,

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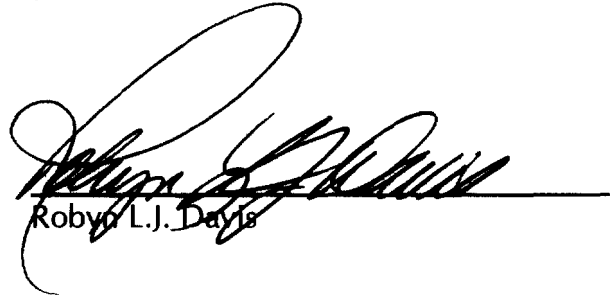
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**CERTIFICATE OF SERVICE**

I, Robyn L.J. Davis, do certify that on October 12, 1995 copies of the Reply Comments of the United States Telephone Association were either hand-delivered, or deposited in the U.S. Mail, first-class, postage prepaid to the persons on the attached service list.



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